

CANINI
Serial No. 09/362,995

Atty Dkt: 3572-3
Art Unit: 2612

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicant basically:

1. Thanks the examiner for the allowance of claims 9, 18, and 19, and the indication of allowable subject matter in claims 2 – 4, 7, 11 – 13, and 16.
2. Amends claims 1 and 10 for clarification.
3. Respectfully traverses all prior art rejections.
4. Advises the Examiner of the simultaneous filing of a Petition to Extend.

B. AMENDMENTS TO THE CLAIMS

Independent claims 1 and 10 have been amended to clarify in step (e) that a certain number of iterations are performed, and in each iteration the exposure time of the sensor is varied and the previous steps are repeated until an optimum exposure time is found, the optimum exposure time being the highest among the ones set. The amendatory language is believed to bring forth more clear what was already resident within the claim, and therefore is not deemed to be a narrowing of the claims. Support for the clarifying amendatory language resides, e.g., on page 10, lines 7 – 19; on page 19, lines 4 – 16; on page 12, lines 17 – 29; and in Fig. 1(see, e.g., the "bit" counter).

C. PATENTABILITY OF THE CLAIMS

Claims 1, 5-6, 10, and 14-15 stand rejected under 35 USC §102(e) as being anticipated by U.S. Publication 2001/0013903 to Suzuki et al (see enumerated paragraphs 4-10 of the Office Action). Claims 8 and 17 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Publication 2001/0013903 to Suzuki et al in view of U.S. Patent 5,751,354 to Suzuki et al (see enumerated paragraphs 12-14 of the Office Action).

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Claims 2-4, 7, 11-13 and 16 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims (see enumerated paragraph 15 of the Office Action). Claims 9, 18 and 19 were allowed (see enumerated paragraphs 17-18 of the Office Action).

All prior art rejections are respectfully traversed for reasons including those which follow. One of the independent claims at issue (independent claim 1) concerns an "overexposure" case, while the other independent claim at issue (independent claim 10) concerns an "underexposure" case.

Applicant submits that aspects of independent claims 1 and 10, as previously pending and certainly now as amended for clarification, are neither disclosed nor suggested by U.S. Publication 2001/0013903 to Suzuki et al. In particular, the iterations of step e) of the method (either in the form of claim 1 for the overexposure case or in the form of claim 10 for the underexposure case) are carried out for a prefixed number of times and independently from the result of the check performed in step d). In the Suzuki publication, on the other hand, the iterations of steps S16-S19 are carried out only if the check of step S18 has a negative result (see block diagram of figure 3a and specification, paragraphs 0047-0048). Applicant therefore believes that claims 1 and 10 are distinguishable over Suzuki.

Furthermore, the above highlighted difference is a relevant aspect of Applicant's method. This method teaches indeed to find an exposure value that not only meets a given condition - specifically, to be under the overexposure or over the underexposure threshold level - but also is an optimum exposure value, according to a particular criterion explicitly stated in step e). The method of the Suzuki publication does not teach or suggest to search an optimum exposure value. Rather, Suzuki is limited just to find an

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exposure value that meets the condition of step S18 and therefore it performs the iterations of steps S16-S19 only until that condition is met. Applicant therefore believes that the method of the invention is also not obvious with respect to Suzuki.

In view of the foregoing, Applicant submits that the Examiner has ample grounds for withdrawing all prior art rejections and allowing all pending claims.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

Any additional claims fees necessitated by this Amendment are indicated on the attached transmittal letter and are paid by an accompanying check. A Request for Extension of Time and accompanying check is also simultaneously filed herewith. Should the transmittal letter, request for extension of time, not be found, the Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

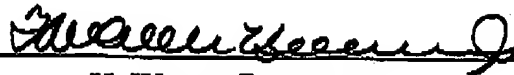
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Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



H. Warren Burnam, Jr.
Reg. No. 29,366

HWB:lsh
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100